

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Leonid Falberg, as representative of a class of
similarly situated persons, and on behalf of
The Goldman Sachs 401(k) Plan,

Plaintiff,

—against—

The Goldman Sachs Group, Inc., The Goldman
Sachs 401(k) Plan Retirement Committee, and
John Does 1–20,

Defendants.

No. 1:19-cv-09910-ER

Oral Argument Requested

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, Declarations of Peter Fortner, Kenneth Topping, and Christopher Ceder and exhibits thereto, and all prior pleadings and proceedings herein, Defendants The Goldman Sachs Group, Inc., and The Goldman Sachs 401(k) Plan Retirement Committee, by their counsel, Steptoe & Johnson LLP, will move this Court, before the Honorable Edgardo Ramos, at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York 10007, on a date and time to be set by the Court for an Order to dismiss this action pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure and applicable case law, together with such other and further relief as this Court shall deem just and proper.

Dated: New York, New York
January 27, 2020

Respectfully submitted,

By: /s/ Charles Michael

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